

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: BRIAN MARK SHUSTER

Serial No.: 09/837,071

Filed: April 18, 2001

Title: SYSTEM AND METHOD FOR
AGGREGATING INFORMATION OVER A
WIDE AREA NETWORK

Art Unit: 3622

Examiner: Donald Champagne

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

The appellant filed a Notice of Appeal in the above-identified application on September 6, 2007 under 35 U.S.C. § 134(a). The Appeal Brief meets the substantive requirements of Rule 41.37. The appellant requests entry, consideration, and favorable action on this appeal at the Office's earliest convenience.

In accordance with Rule 41.37(c), the appellant presents the following items under the headings prescribed therein.

Real Party in Interest

Hoshiko, LLC, a Nevada Limited Liability Company, owns the subject application.

Related Appeals and Interferences

None.

Status of Claims

The Official Action mailed on June 6, 2007 (hereinafter the "Final Action"), finally rejected claims 1-6, 8-25 and 27-36. Claims 7 and 26 were cancelled prior to the Final Action. On September 6, 2007, the appellant filed a Notice of Appeal from the final rejections of pending Claims 1-6, 8-25 and 27-36.

Status of Amendments

No claims have been amended subsequent to the Final Action. All amendments to the claims were entered prior to the Final Action.

Summary of Claimed Subject Matter

This section includes a concise explanation of the subject matter defined in each of the independent claims involved in the appeal (i.e., claims 1 and 21), which includes references to the specification and drawings and other information as specified in Rule 41.37.

Claim 1 defines an aggregated information system comprising features discussed below. P. 3:20-23; fig. 2, item 110; p 6:10-11. The system comprises:

(A) "[A] *memory device*." Fig. 2, item 116; p. 6:10-20. The memory device may be any suitable device used for computer memory, such as RAM, hard disks, etc.

(B) "[A] *server adapted to be connected to a plurality of reception devices and a plurality of remote information systems via a wide area network, whereby said plurality*

of remote information systems are adapted to receive original message data and response message data from said plurality of reception devices and provide said original message data and said response message data to said plurality of reception devices.” Fig. 1 (shows remote information systems 120 and reception devices 130; fig. 2, item 112 (server 122 as component of aggregated information system 110); p. 6:10-14. The network server is adapted for connection via a wide-area network to remote information systems 120, which are exemplified by prior-art bulletin-board servers (p. 7:7-9), and to reception devices 130, which originate original message data and receive response message data. P. 7:9-17.

(C) “[A]n aggregating application connected to said memory device and said server, said aggregating application adapted to.” Fig. 2, item 114; p. 6:10-14. The aggregating application is adapted to perform certain steps described individually below. P. 9:16-18.

(D) “[R]etrieve said original message data and said response message data from said plurality of remote information systems.” P. 9:20-23; fig. 5, item 504; p. 10:23-27; p. 13:28-14:1; fig. 7, item 704. The aggregating application is adapted to retrieve original and response message data from the plurality of remote information systems. An example of such retrieving is getting postings from bulletin board systems. P. 10:19-20.

(E) “[S]tore said original message data and said response message data in said memory device.” P. 9:23-25; fig. 5 item 506; p. 14:3-5; fig. 7, item 707. The original and response data is stored in the memory of the server.

(F) “[C]onfigure said original message data and said response message data from different ones of said plurality of remote information systems to be arranged together as aggregated message and response data relating to a topic.” P. 3:28-4:2; p. p. 11:4-26.; p. 1:23-25 (topical organization). Message data from different sites is arranged together an aggregate data. This allows users to access multiple bulletin boards at a single site.

(G) “[P]rovide said aggregated message and response data to said plurality of reception devices.” P. 9:25-26; fig. 5 item 508; p. 14:9-13; fig. 7, item 712. The aggregated message data is provided to the plurality of reception devices.

Claim 21 defines the same steps as claim 1, albeit in method form. The method for aggregating information from a plurality of remote information systems adapted to receive original message data and response message data from at least one reception device comprises:

(A) “[I]dentifying a plurality of remote information systems containing said original message data and said response message data.” P. 9:18-20; fig. 5, item 502; p. 13:26-28; fig. 7, item 702. As disclosed in the specification, the system identifies relevant remote information systems containing the original message data and the response message data from which to retrieve message data.

(B) “[R]etrieving said original message data and said response message data from said plurality of remote information systems.” P. 9:20-23; fig. 5, item 504; p. 10:23-27; p. 13:28-14:1; fig. 7, item 704. The aggregating application is adapted to retrieve original and response message data from the plurality of remote information systems. An example of such retrieving is getting postings from bulletin board systems. P. 10:19-20.

(C) “[S]toring said original message data and said response message data.” P. 9:23-25; fig. 5 item 506; p. 14:3-5; fig. 7, item 707. The original and response data is stored in the memory of the server.

(D) “[C]onfiguring said original message data and said response message data from different ones of said plurality of remote information systems to be arranged together as aggregated message and response data relating to a topic.” P. 3:28-4:2; p. p. 11:4-26.; p. 1:23-25 (topical organization). Message data from different sites is arranged together an aggregate data. This allows users to access multiple bulletin boards at a single site.

(E) “[P]roviding said aggregated message and response data to a plurality of reception devices.” P. 9:25-26; fig. 5 item 508; p. 14:9-13; fig. 7, item 712. The aggregated message data is provided to the plurality of reception devices.

Grounds of Rejection To Be Reviewed on Appeal

Claims 1-6, 16-18, 21-25, 31-33, 35 and 36 were rejected under 35 U.S.C. § 102(b) in view of Herz (U.S. Pat. No. 5,754,938). Claims 8-15, 19-20, 27-30 and 34

were rejected under 35 U.S.C. 103(a) as obvious over Herz and official notice. Both of these grounds of rejection are to be reviewed on appeal. No other grounds for rejection have been set forth in the Final Action.

Argument

In the arguments below, the appellants present reasons why defined groups of claims are separately patentable over the cited references. Claims that are not separately discussed stand or fall with their respective base claims.

1. Rejections Under 35 U.S.C. § 102(b)

MPEP § 2131 states the basic requirements for anticipation under § 102 as follows:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The present rejections rely on Herz, but this reference does not disclose each and every element as set forth in the independent claims and in certain independent claims, as set forth more fully below. Therefore, Herz does not anticipate the claims under § 102, which are therefore allowable.

A. Claims 1 & 21

Herz fails to disclose, either expressly or inherently, each and every element of independent claims 1 and 21 as set forth therein. Herz therefore cannot anticipate these claims.

Herz relates to “customized electronic identification of desirable objects, such as news articles, in an electronic media environment” and more particularly, “to a system that automatically constructs both a ‘target profile’ for each target object in the electronic media . . . as well as a ‘target profile interest summary.’” Abstract. The system “evaluates the target profiles against the users’ target profile interest summaries to generate a user-customized rank ordered listing of target objects most likely to be of interest to each user.” Id. Herz is not generally concerned with aggregation of original and response message data. Specific deficiencies of Herz are noted below.

With respect to claim 21, Herz fails to disclose or suggest a step of “configuring said original message data and said response message data from different ones of said plurality of remote information systems to be arranged together as aggregated message and response data relating to a defined topic” or a step of “providing said aggregated message and response data to a plurality of reception devices.” Similarly, with respect to claim 1, Herz fails to disclose or suggest any application adapted to perform these steps. In the Final Action, it was argued that Herz discloses these features at col. 7:29-33 and col. 56:43. This is not correct. Herz does not disclose these features of claims 1 and 21.

At col. 7:29-33, Herz discloses, in connection with browsing, that “[a]rticles are organized so that users can actively navigate among groups of articles by moving from one group to a larger, more general group, or to a closely related group.” This sentence occurs in the context of a disclosure of “browsing,” which is described as providing “an

alternate method of selecting a small subset of a large number of target objects.” Col. 7:27-29. This passage of Herz fails to disclose that the original message and response data be “from different ones of said plurality of remote information systems” and be “arranged together as aggregated message and response data relating to a defined topic.”

“Articles” as disclosed by Herz does not read on “original message data and response message data” as defined by claims 1 and 21, because “article” according to its closest applicable plain meaning means an independent piece of non-fiction prose. Indeed, in the above passage is it apparent that Herz is using “article” in a manner consistent with its plain meaning. Herz teaches that an “on-line news clipping service” is the preferred embodiment of its system for “developing and using profiles for article retrieval.” Col. 7:45-48. In view of the plain meaning of the term and Herz’s use of it, it is unreasonable to construe “article” so broadly so as to include both “original message data and response message data” as these claims define. A message, according to its plain meaning, comprises a communication of some kind. Further, these claims separately define “original message data” and “response message data.” An article, even to the extent it may be a species of communication, does not read on the more detailed aspects of “original” and “response” defined by claims 1 and 21.

Moreover, even if the clear semantic differences between “article” and “original message data and response message data” were to be ignored, Herz would still be deficient. Organizing articles so that users can actively navigate among groups of

articles, as Herz discloses at col. 7:29-33, is deficient because it does not disclose or suggest messages from separate remote information systems arranged together as aggregated message and response data relating to a defined topic. Herz includes no disclosure of a defined topic, and fails to disclose any principle of organizations for the disclosed grouping of articles. It lacks any disclosure or suggestion of arranging articles, or any other information, in the specific manner claimed; namely as aggregated message and response data relating to a defined topic.

Likewise, Herz fails to disclose these elements at col. 56:43. Herz there discloses that, referring to a method diagrammed in Fig. 5, that this method, besides being useful for "selecting which articles to read from electronic news groups and electronic bulletin boards," "can be used as part of a system for screening or organizing electronic mail." Col. 56:39-43. Here, Herz merely discloses that electronic mail messages may be profiled in the same manner as articles from news groups and bulletin boards. *Id.* Herz discloses presenting articles to users in a list "sorted according to the degree of similarity of the article's target profile to the most similar search profile in the user's search profile set." Col. 58:28-31. Herz, therefore, discloses preparing lists based on similarities between a user search profile and a target profile, and fails to disclose or suggest configuring message and response data to "be arranged together as aggregated message and response data relating to a topic," as defined by claims 1 and 21.

It is plain from Herz that a "profile" is distinct from a "topic": Herz defines a profile

as a "collection of attributes." Col. 4:57-60. Under no sense of the word does a profile encompass a topic, which means the subject of a conversation or discussion. Herz therefore fails to disclose aggregating message and response data "relating to a defined topic."

B. Claims 4 & 23

Herz fails to disclose, either expressly or inherently, each and every element of dependent claims 4 and 23 as set forth therein. Herz therefore cannot anticipate these claims. In addition, these claims are allowable as depending from allowable base claims 1 and 21, respectively.

Herz fails to disclose or suggest "receiving additional response message data and additional original message data directly from said reception devices, and aggregating the additional data with the original and response message data," as defined by claims 4 and 23. Herz merely discloses collecting information likely to be of interest to a particular user. Col. 55:38-56:43. In contrast, these claims define receiving message and response data directly from the reception devices, and aggregating it with original and response message data from a remote information system. The base claims define reception devices as distinct from remote information systems, consistent with the specification. See, e.g., spec. at fig. 1 (reception devices 130 distinct from remote information systems 120.) The claims define that the "remote information systems [are] adapted to receive original message data and response message data from at least one reception device." Because the remote information systems are

defined as receiving data from the reception device, these two components cannot be construed as one and the same, without ignoring express distinctions in the claims. It is this aggregating of original and response message data both from the remote information systems, and from the reception devices that have also provided message data to the remote information systems, that is defined by these claims.

To demonstrate anticipation, the Final Action generally recited the same portions of Herz applied against different elements of claims 1 and 21, and nothing more. The Applicant has reviewed those portions of Herz, as well as the entirety of Herz, and has not found any disclosure of the recited subject matter. In ¶ 11 of the Final Action, the argument for anticipation is based primarily on Herz at col. 7:24-32, which reads:

The system for customized electronic identification of desirable objects described herein can of course function as a browser for bulletin boards, where target objects are taken to be bulletin boards, or subtopics of bulletin boards, and each target profile is the cluster profile for a cluster of documents posted on some bulletin board. Thus, a user can locate bulletin boards of interest by all the navigational techniques described above, including browsing and querying.

This boils down to collecting information likely to be of interest to a particular user, applied in a browser mode. Herz fails to disclose or suggest the particular recited features discussed above.

Contrary to ¶ 11 of the Final Action, the above arguments and complementary arguments set forth in Applicant's response filed July 31, 2007 clearly do not rest on a premise that Herz fails to disclose "operating a bulletin board." More to the point, the argument in ¶ 11 that a "reception device . . . could readily be operating a bulletin

board” is based on an unreasonable interpretation of the claims. Apparently, to make a case of anticipation based on Herz, the claimed “reception devices” and “remote information systems” are being equated to be one and the same devices; i.e., a device operating a bulletin board. This is not a reasonable claim interpretation. Both the specification (see Figs. 1-4, 6 and accompanying description) and the claims make it clear that these are separate groups of devices. “Remote information system,” for example, reads on a server operating a bulletin board, and “reception device” on a separate client device that receives aggregated data, as well as providing message data to the remote information systems. For example, claims 1 and 21 recite “retrieving . . . data from a plurality of remote information systems” and also “providing . . . aggregated . . . data to a plurality of reception devices.” Whether or not a “reception device” may reasonably be equated to a server operating a bulletin board, it is certainly unreasonable to so construe it in a claim that uses “remote information system” as encompassing a computer bulletin board receiving data from a reception device.

Moreover, the claim interpretation set forth in the Final Action with respect to claims 4 and 23 is inconsistent with what was applied with respect to the base claims. It should not be permissible to construe the same terms as appear in the base claims differently when they appear in dependent claims. Not only would this be unreasonable; it would also undermine the arguments made against the base claims. For example, if these different terms are taken to refer to one and the same devices, Herz must then fail to disclose providing message data “to at least one of said plurality of remote

information systems,” from which original and response message data has been received, as required by base claims 1 and 21.

Therefore, the Office Action application of Herz to claims 4 and 23 is based on an unreasonable construction of the claim language as defined by base claims 1 and 21. Accordingly, the required showing for anticipation has not been made out.

C. Claims 5, 6, 24 and 25

Herz fails to disclose, either expressly or inherently, each and every element of dependent claims 5, 6, 24 and 25 as set forth therein. Herz therefore cannot anticipate these claims. In addition, these claims are allowable as depending from allowable base claims 1 and 21, respectively

Herz fails to disclose or suggest providing any data “to at least one of said plurality of remote information systems” as all of claims 5, 6, 24 and 25 require, in some fashion. Herz merely discloses collecting information, not dispensing information to the sources from which it is gathered – which as defined by these claims are the “said plurality of remote information systems.” Id. The Final Action does not point out specifically where Herz discloses the elements of these claims, and so has not made the required showing for anticipation.

In ¶ 12 of the Office Action, it is argued that a “PC operating a bulleting board could be both an RIS [remote information system] and a reception device, and would read on the claim.” As noted above, it is unreasonable to construe the different labels “RIS” and “reception device” as defining the same device within the context of a claim.

Therefore, that a PC "could be" both an RIS and a reception device, even if true, is not relevant to anticipation under § 102. For one thing, it is unreasonable to disregard the use of different and distinct labels for devices in the claim. But even if this is accepted for the sake of argument, the case of anticipation must still fail. As defined by claims 4-6, 23-25 and their respective base claims, the recited plurality of RIS's must be sources from whence message data is retrieved. That is, claims 1 and 21 define "retrieving said original message data and said response message data from said plurality of remote information systems." The fact remains that Herz fails to disclose providing message data "to at least one of said plurality of remote information systems," from which original and response message data has been received, nor has any showing of inherency been made. Herz therefore does not anticipate these claims.

2. Rejections Under 35 U.S.C. § 103(a)

Claims 8-15, 19-20, 27-30 and 34 were rejected under 35 U.S.C. 103(a) over Herz and official notice. These rejections are not proper. As stated in the M.P.E.P. at § 2143.03:

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

M.P.E.P. § 2143.03. The rejections of claims 8-15, 19-20, 27-30 and 34 set forth in the Final Action fail to consider all words in these claims, and fail to show that all claim

limitations are taught or suggested by the prior art.

All of these claims except for 19 and 34 generally define providing advertising in messages provided to "said plurality of remote information systems," which are as defined by claims 1 and 21 as the other participating message systems from which message data is gathered. Claims 19 and 34 define selecting one of "said plurality of remote information systems" via nomination. The Final Action bases its *prima facie* argument against these claims on an assertion of that advertising and nominating were well known in the art, based on official notice. Even if true, this is not a sufficient basis for demonstrating obviousness, because all of these claims recite detailed features that have not been disclosed in the prior art. The Office Action lacks any showing that the prior art taught or suggested all features recited by these claims. Therefore, no case of *prima facie* obviousness has been properly laid out against these claims.

In the first office action response filed June 30, 2006, and in all subsequent responses (filed December 21, 2006 and July 31, 2007), Applicant has timely argued that the elements defined by 8-15, 19, 20, 27-30 and 34 were not common practices or otherwise known at the time the invention was made. In addition, in all prior responses, Applicant has requested that a specific reference or references be provided showing all the claimed elements. Applicant's Response Dated July 31, 2007, p. 16, second full paragraph; Applicant's Response Dated December 21, 2006, p. 14, last paragraph; Applicant's Response Dated June 30, 2006, p. 12, second full paragraph.

A. Claims 8 and 27

With respect to claims 8 and 27, Applicant has timely requested a reference that particularly shows "providing advertisement data to said plurality of remote information systems such that a requesting reception device receives said advertisement data along with said additional response message data," as defined by these claims. However, no such reference has been provided, and the rejection of these claims has been based on the bare observation that advertising was known in the art. That advertising was known in the art is of no significance, because no showing has been made of any prior art reference disclosing these specific features of claim 27. Therefore, no *prima facie* case of obviousness has been made out against these claims, which are therefore allowable.

B. Claims 9 and 28

With respect to claims 9 and 28, Applicant has timely requested a reference that particularly shows that the "advertisement data further includes hyper-link data adapted to provide an interacting one of said plurality of reception devices with additional advertisement data." No such reference has been provided, nor does the general statement that advertising was well known in the art (presently the sole basis for this rejection) show that the recited features were known. Therefore, no *prima facie* case of obviousness has been made out against these claims, which are therefore allowable.

C. Claims 10 and 29

With respect to claims 10 and 29, Applicant has timely requested a reference that

particularly shows “add[ing] advertisement data to said additional original message data before said additional original message data is provided to said plurality of remote information systems.” No such reference has been provided, and the rejection of these claims has been based on the bare observation that advertising was known in the art. This general statement plainly does not show that the recited features were known. Therefore, no *prima facie* case of obviousness has been made out against these claims, which are therefore allowable.

D. Claims 11 and 30

With respect to claims 11 and 30, Applicant has timely requested a reference that particularly shows that “advertisement data further includes hyper-link data adapted to provide interacting ones of said plurality of reception devices with additional advertisement data.” No such reference has been provided. The general statement that advertising was well known in the art, upon which these rejections are based, plainly does not show that the recited features were known. Therefore, no *prima facie* case of obviousness has been made out against these claims, which are therefore allowable.

E. Claim 12

With respect to claim 12, Applicant has timely requested a reference that particularly shows “add[ing] advertisement data to said original message data and said response message data before said original message data and said response message data are provided to said plurality of remote information systems.” No such reference

has been provided. These rejections are therefore based on the general assertion that advertising was well known in the art, without more. This general assertion fails to show that the recited features were known. Therefore, no *prima facie* case of obviousness has been made out against this claim, which is therefore allowable.

F. Claim 13

With respect to claim 13, Applicant has timely requested a reference that particularly shows that "advertisement data further includes hyper-link data adapted to provide interacting ones of said plurality of reception devices with additional advertisement data." No such reference has been provided. The general statement that advertising was well known in the art, upon which these references are based, does not show that the recited features were known. Therefore, no *prima facie* case of obviousness has been made out against this claim, which is therefore allowable.

G. Claim 14

With respect to claim 14, Applicant has timely requested a reference that particularly shows, "add[ing] advertisement data to said original message data; and provid[ing] said original message data together with said advertisement data to said plurality of remote information systems." No such reference has been provided. This rejection is based only on a generalized assertion that advertising was well known in the art show. The particularly recited features of claim 14 have not been shown to have been known in the prior art. Therefore, no *prima facie* case of obviousness has been made out against this claim, which is therefore allowable.

H. Claim 15

Applicant has timely requested a reference that particularly shows “add[ing] advertisement data to said response message data; and provid[ing] said response message data together with said advertisement data to said plurality of remote information systems,” as defined by claim 15. No such reference has been provided. The general statement that advertising was well known in the art, upon which this rejection is based, plainly fails to show that the recited features were known. Therefore, no *prima facie* case of obviousness has been made out against this claim, which is therefore allowable.

I. Claim 19

With respect to claim 19, Applicant has timely requested a reference that particularly shows, “the plurality of remote information systems are further selected by at least one of said plurality of reception devices nominating at least one of said plurality of remote information systems.” No such reference has been provided. The general assertion that nominating was well known in the art, upon which this rejection rests, plainly fails to show that the recited features were known. Therefore, no *prima facie* case of obviousness has been made out against this claim, which is therefore allowable.

J. Claim 20

With respect to claim 20, Applicant has timely requested a reference that particularly shows “the plurality of remote information systems are further selected by at least one of said plurality of reception devices voting for at least one of said plurality of

remote information systems.” No such reference has been provided. The general statement that nominating was well known in the art, upon which this rejection rests, plainly lacks any showing that the particular recited features were known. Therefore, no *prima facie* case of obviousness has been made out against this claim, which is therefore allowable.

K. Claim 34

Applicant has timely requested that particularly shows “wherein said step of identifying said plurality of remote information systems further includes receiving nomination data from at least one of said reception devices,” as defined by claim 34. No such reference has been provided. This rejection rests on the general statement that nominating was well known in the art. No showing that the features particularly recited by this claim were known in the art has been made. Therefore, no *prima facie* case of obviousness has been made out against this claim, which is therefore allowable.

3. Official Notice Was Timely and Properly Traversed

The statements in ¶ 13 of the Final Action that “this attempt to traverse after final is not seasonable” and do not point out “why the noticed fact is not considered to be well known in the art” are not factually correct, and conflate a position that was properly traversed with one that was not traversed.

First of all, the traversal to the rejections under § 103 based on official notice were made in Applicant’s first response (dated June 30, 2006) to the first Office Action

mailed January 31, 2006. In that response, Applicant stated that:

Claims 8-15, 19, 20, 27-30 and 34 have been rejected under 35 U.S.C. 103(a) and obvious over Herz and official notice. These rejections are respectfully traversed.

Applications respectfully submit that the elements defined by 8-15, 19, 20, 27-30 and 34 were not common practices or otherwise known at the time the invention was made. A specific reference or references be [sic] therefore be provided, showing all the claimed elements. Further, it is respectfully submitted that the claimed combination of elements would not have been obvious in view of email advertising and nominating, even if these were common practices. The prior art fails to contemplate or suggest taking these actions in combination with an aggregating central resource that operates to intervene in a plurality of remote information resources, as these claims define. These rejections should therefore be withdrawn.

Response 6/30/2006, p. 12. Therefore, the traversal of the rejections under § 103(a) was seasonably made.

Second, it has also been Applicant's clear position from the very first response and in all subsequent responses that even if advertising and nominating were known in the art, there has been no showing of a reference that makes use of advertising or nominating in the specific ways set forth in claims 8-15, 19, 20, 27-30 and 34. All words of the claims have not been considered. To the contrary, most of the words of these independent claims have been ignored, as set forth above. From the very beginning, Applicant has requested that a reference be provided showing the particular features set forth in these claims (as the preceding paragraph shows). To date, no reference showing the additional features of these claims has been cited. The mere prior existence of advertising and nominating, even if admitted, fails to show that all features of these claims were taught or suggested by the prior art. This point has not been

argued or refuted by the examiner. No specific prior-art examples of advertising or nominating have been cited to demonstrate that any specific features defined by these claims were known in the art. Therefore, no proper *prima facie* case has been made against these claims.

Conclusion

Appellants respectfully request the reversal of the rejection of currently pending claims 1-6, 8-25 and 27-36, and allowance of these claims forthwith, for the reasons set forth above.

Appendix

Appealed Claims 1-6, 8-25 and 27-36 are attached hereto as Appendix A. A list of evidence for consideration in this appeal, which evidence is already of record in this application, is attached hereto as Appendix B. Related Appeals and Interferences, if any, are listed in Appendix C.

Respectfully submitted,

Date: October 31, 2007

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APPENDIX A
APPEALED CLAIMS

1. (Previously presented) An aggregated information system comprising:
 - a memory device;
 - a server adapted to be connected to a plurality of reception devices and a plurality of remote information systems via a wide area network, whereby said plurality of remote information systems are adapted to receive original message data and response message data from said plurality of reception devices and provide said original message data and said response message data to said plurality of reception devices; and
 - an aggregating application connected to said memory device and said server, said aggregating application adapted to:
 - retrieve said original message data and said response message data from said plurality of remote information systems;
 - store said original message data and said response message data in said memory device;
 - configure said original message data and said response message data from different ones of said plurality of remote information systems to be arranged together as aggregated message and response data relating to a topic; and
 - provide said aggregated message and response data to said plurality of reception devices.

2. (Previously presented) The aggregated information system according to claim 1, wherein said plurality of remote information systems further comprises at least one remote information system comprising:

a remote memory device adapted to store said original message data and said response message data, wherein said response message data corresponds to at least a portion of said original message data; and a remote server adapted to:

receive said original message data and said response message data from said plurality of reception devices via said wide area network; and

provide said original message data and said response message data stored in said remote memory device to said plurality of reception devices via said wide area network.

3. (Original) The aggregated information system according to claim 1, wherein said plurality of remote information systems further comprises at least one bulletin board.

4. (Previously presented) The aggregated information system according to claim 1, wherein said aggregating application is further adapted to receive additional response message data and additional original message data directly from at least one of said plurality of reception devices, and to aggregate the additional data with the original and response message data.

5. (Original) The aggregated information system according to claim 1, wherein said aggregating application is further adapted to:

receive additional response message data from at least one of said plurality of reception devices, wherein said additional response message data corresponds to at least a portion of said original message data; and

provide said additional response message data to at least one of said plurality of remote information systems such that said at least one of said plurality of remote information systems can provide said additional response message data to at least one of said plurality of reception devices.

6. (Original) The aggregated information system according to claim 1, wherein said aggregating application is further adapted to:

receive additional original message data from at least one of said plurality of reception devices; and

provide said additional original message data to at least one of said plurality of remote information systems such that said at least one of said plurality of remote information systems can provide said additional original message data to a requesting one of said plurality of reception devices.

7. (Cancelled)

8. (Original) The aggregated information system according to claim 5, wherein said aggregating application is further adapted to add advertisement data to said additional response message data before said additional response message data is provided to said at least one of said plurality of remote information systems.

9. (Original) The aggregated information system according to claim 8, wherein said advertisement data further includes hyper-link data adapted to provide an interacting one of said plurality of reception devices with additional advertisement data.

10. (Previously presented) The aggregated information system according to claim 6, wherein said aggregating application is further adapted to add advertisement data to said additional original message data before said additional original message data is provided to said plurality of remote information systems.

11. (Previously presented) The aggregated information system according to claim 10, wherein said advertisement data further includes hyper-link data adapted to provide interacting one of said plurality of reception devices with additional advertisement data.

12. (Previously presented) The aggregated information system according to claim 1, wherein said aggregating application is further adapted to add advertisement data to said original message data and said response message data before said original message data and said response message data are provided to said plurality of remote information systems.

13. (Previously presented) The aggregated information system according to claim 12, wherein said advertisement data further includes hyper-link data adapted to provide interacting ones of said plurality of reception devices with additional advertisement data.

14. (Previously presented) The aggregated information system according to claim 1, wherein said aggregating application is further adapted to: add advertisement data to said original message data; and provide said original message data together with said advertisement data to said plurality of remote information systems.

15. (Previously presented) The aggregated information system according to claim 1, wherein said aggregating application is further adapted to:

- add advertisement data to said response message data; and
- provide said response message data together with said advertisement data to said plurality of remote information systems.

16. (Previously presented) The aggregated information system according to claim 1, wherein said aggregating application further includes a search application that uses pre-defined search criteria to locate said plurality of remote information systems containing said original message data.

17. (Previously presented) The aggregated information system according to claim 1, wherein said plurality of remote information systems are selected by a managing user.

18. (Previously presented) The aggregated information system according to claim 1, wherein said plurality of remote information systems are selected by at least one of said plurality of reception devices.

19. (Previously presented) The aggregated information system according to claim 18, wherein said plurality of remote information systems are further selected by at least one of said plurality of reception devices nominating at least one of said plurality of remote information systems.

20. (Previously presented) The aggregated information system according to claim 19, wherein said plurality of remote information systems are further selected by at least one of said plurality of reception devices voting for at least one of said plurality of remote information systems.

21. (Previously presented) A method for aggregating information from a plurality of remote information systems adapted to receive original message data and response message data from at least one reception device, said method comprising the steps of:

- identifying a plurality of remote information systems containing said original message data and said response message data;

- retrieving said original message data and said response message data from said plurality of remote information systems;

- storing said original message data and said response message data;

- configuring said original message data and said response message data from different ones of said plurality of remote information systems to be arranged together as aggregated message and response data relating to a topic; and

- providing said aggregated message and response data to a plurality of reception devices.

22. (Original) The method of claim 21, wherein said plurality of remote information systems further comprises at least one bulletin board.

23. (Previously presented) The method of claim 21, further including the step of receiving additional response message data and additional original message data directly from said reception devices, and aggregating the additional data with the original and response message data.

24. (Previously presented) The method of claim 21, further including the steps of:

receiving additional response message data from at least one of said reception devices, wherein said additional response message data corresponds to at least a portion of said original message data; and

providing said additional response message data to at least one of said plurality of remote information systems.

25. (Previously presented) The method of claim 21, further including the steps of:

receiving additional original message data from at least one of said reception devices; and

providing said additional original message data to said plurality of said remote information systems.

26. (Cancelled)

27. (Previously presented) The method of claim 24, wherein said step of providing said additional response message data further includes providing advertisement data to said plurality of remote information systems such that a requesting reception device receives said advertisement data along with said additional response message data.

28. (Previously presented) The method of claim 27, wherein said step of providing said additional response message data further includes providing hyper-link data to said plurality of remote information systems such that interacting ones of said reception devices receive additional advertisement data.

29. (Previously presented) The method of claim 21, wherein said step of providing said original message data and said response message data further includes providing advertisement data to said plurality of remote information systems such that requesting ones of said reception devices receive said advertisement data along with said original message data.

30. (Previously presented) The method of claim 29, wherein said step of providing said original message data further includes providing hyper-link data to said plurality of remote information systems such that interacting reception devices receive additional advertisement data.

31. (Previously presented) The method of claim 21, wherein said step of identifying said plurality of remote information systems further includes searching said plurality of remote information systems for pre-defined search criteria.

32. (Previously presented) The method of claim 21, wherein said step of identifying said plurality of remote information systems further includes receiving address location data from a managing user, wherein said address location data corresponds to said one of said plurality of remote information systems.

33. (Previously presented) The method of claim 21, wherein said step of identifying said plurality of remote information systems further includes receiving address location data from said reception devices, wherein said address location data corresponds to said one of said plurality of remote information systems.

34. (Previously presented) The method of claim 21, wherein said step of identifying said plurality of remote information systems further includes receiving nomination data from at least one of said reception devices.

35. (Previously presented) The method of claim 21, wherein said step of identifying said plurality of remote information systems further includes receiving voting data from at least one of said reception devices.

36. (Original) The method of claim 21, wherein said step of retrieving said original message data further includes searching said plurality of remote information systems for topical search criteria, wherein said topical search criteria corresponds to said original message data.

APPENDIX B

EVIDENCE

1. Applicant's Response Dated July 31, 2007 in Serial No. 09/837,071.
2. Applicant's Response Dated December 21, 2006 in Serial No. 09/837,071.
3. Applicant's Response Dated June 30, 2006 in Serial No. 09/837,071.

Items 1, 2 and 3 are already of record in this application, and are therefore not appended herewith.

APPENDIX C

RELATED APPEALS AND INTERFERENCES

NONE.